



EC-2000-007  
IV-D-178  
**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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February 25, 2002

United States Environmental Protection Agency  
Enforcement and Compliance Docket and Information Center, (Mail Code 2201A)  
Attn: Docket Number EC-2000-007  
1200 Pennsylvania Avenue NW  
Washington, DC 20460

RE: Comments of the South Dakota Department of Environment and Natural Resources on the proposed Cross-Media Electronic Reporting and Record-Keeping Rule (CROMERRR) – Federal Register (Vol. 66, Number 170, Pages 46161-46195) August 31, 2001

Dear Docket Clerk:

Thank you for the opportunity to comment on the U.S. Environmental Protection Agency (EPA) proposed Cross-Media Electronic Reporting and Record-Keeping Rule (CROMERRR).

The South Dakota Department of Environment and Natural Resources (DENR) has worked diligently to promote and develop electronic government. DENR is supportive of the expansion of electronic government in information transfers and other relations with EPA. At the same time, we approach this proposed rule with caution. The scope and complexity of the proposed rule give rise to uncertainties that we hope will be adequately addressed in the final CROMERRR. These uncertainties fall in two basic categories. First, we are concerned that the final CROMERRR not interfere with any electronic information transfer activities currently underway between DENR and EPA. Second, we are concerned that the final CROMERRR be consistent with our provisions of state law concerning electronic commerce, record-keeping and information transfer.

In regard to the first point, DENR currently is engaged in certain electronic information transfer activities with EPA. It is our hope that the final CROMERRR will not inhibit such activities, but will further promote them. While it is clear in your web site (<http://www.epa.gov/cdx/cromerr.html#contact>) explanation that it is not your intention that the CROMERRR govern State-to-EPA data transfers or State record-keeping, except where States are submitting reports or keeping records as a "regulated entity," that is not so apparent from reviewing language of the CROMERRR itself.

In regard to the second point, at the request of the South Dakota Bureau of Information and Telecommunications (BIT) and with the strong encouragement of DENR, the 2000 South Dakota Legislature adopted state laws providing an extensive framework for electronic commerce and

record-keeping. Our state law is codified as South Dakota Codified Laws (SDCL) Chapter 53-12. SDCL Chapter 53-12 is an almost verbatim enactment of the Uniform Electronic Transactions Act (UETA). It is our hope that the final CROMERRR will be fully compatible with the provisions of UETA in terms of issues pertaining to electronic signatures, electronic record-keeping and other aspects of electronic transactions provided for in UETA. If the final CROMERRR is consistent with UETA, it would also be consistent with our state law on electronic transactions (SDCL Chapter 53-12).

In closing, DENR notes that we have monitored the development of the CROMERRR through the National Association of Attorneys General (NAAG), the Interstate Oil and Gas Compact Commission (IOGCC) and the Environmental Council of the States (ECOS). The review process with NAAG, IOGCC and ECOS has identified some technical concerns regarding the proposed CROMERRR, which also concern DENR. DENR joins NAAG, IOGCC and ECOS in encouraging further development of electronic government, while exercising caution to ensure that the proposed CROMERRR expand rather than limit our options for electronic government.

Sincerely,

A handwritten signature in black ink, appearing to read 'S. Pirner', with a stylized flourish at the end.

Steven M. Pirner  
Secretary

c: Otto Doll, Commissioner, SD Bureau of Information and Telecommunications  
Jack McGraw, Acting Regional Administrator, EPA Region VIII  
Robert E. Roberts, Executive Director, ECOS